

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 03, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES DEAN CLOUD (01), and
DONOVAN QUINN CARTER
CLOUD (02),

Defendants.

No. 1:19-cr-02032-SMJ-01
1:19-cr-02032-SMJ-02

**ORDER CONFIRMING IN-
PERSON HEARINGS AND
NOTICE RE: COVID-19
PRECAUTIONS**

*****UNITED STATES MARSHALS
SERVICE ACTION REQUIRED*****

At the onset of the COVID-19 pandemic, the Court struck many in-person appearances to protect the health and safety of defendants, counsel, law enforcement, Court staff, and the public. Though the Eastern District has continued to extend its COVID-19 response measures, *see, e.g.*, General Order No. 20-101-9, the Court understands that the parties in this matter wish to proceed with the three in-person hearings scheduled for oral argument at the Yakima courthouse on September 29th and 30th: Defendant James Dean Cloud's (1) Motion *in Limine* Re: Lindell LaFollette's False Memory, (2) Motion to Exclude E.Z.'s Unreliable ID, and (3) Motion to Suppress J.V.'s Tainted ID. *See* ECF Nos. 147, 182, 185 & 186. The

ORDER CONFIRMING IN-PERSON HEARINGS AND NOTICE RE: COVID-19 PRECAUTIONS – 1

1 Court will conduct these hearings as scheduled, subject to the precautions set out
2 below to ensure the health and safety of participants.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 **1.** The hearing on Defendant James Dean Cloud's (01) Motion to
5 Suppress J.V.'s Tainted Identification, **ECF No. 147**, and the status
6 conference in this matter, remain **SET** for **September 29 & 30, 2020**
7 at **9:00 A.M. in Yakima Courtroom 203**. See ECF No. 182. All
8 parties shall make the necessary arrangements to appear in person,
9 including for the appearance of any witnesses whose testimony they
10 wish to present.

11 **2.** The hearing on Defendant James Dean Cloud's (01) Motion to Exclude
12 E.Z.'s Unreliable Identification and Motion *in Limine* Re: Lindell
13 LaFollette's False Memory remain **SET** for **September 29, 2020** at
14 **9:00 A.M. in Yakima Courtroom 203**. Again, all parties shall make
15 the necessary arrangements to appear in person, including for the
16 appearance of any witnesses whose testimony they wish to present.

17 **3.** Counsel shall **NOTIFY** the Court how much time they expect each
18 hearing to take, a proposed sequence for the hearings, and anything
19 else counsel wishes to make the Court aware of concerning these
20 hearings, **by September 11, 2020**.

1 **4.** For the hearing:

2 **A.** All parties shall abide by social distancing requirements,
3 including defense counsel and their clients, at all times when
4 inside the courthouse. Where necessary to permit private
5 discussion between either Defendant and defense counsel, the
6 Court will allow counsel to approach the Defendant.

7 **B.** All counsel and others addressing the Court will do so from
8 counsel table, rather than from the podium.

9 **C.** All persons shall wear a face covering while inside the
10 courthouse.

11 **i.** Counsel or witnesses addressing the Court will be
12 permitted to remove their mask **only** during the time
13 when they are speaking.


14 **ii.** Parties and witnesses reporting for in-person hearings
15 without a mask will be provided a mask by the Court
16 Security Officer at the courthouse entrance.

17 **iii.** No individual other than those associated with the hearing
18 and required to attend will be permitted access to the
19 Yakima Courthouse, which remains closed to the public.
20

1 *iv.* A public telephone conference line for this hearing will
2 be made available to the public. **Hearing content**
3 **provided via videoconference access MUST NOT be**
4 **recorded or rebroadcast.** Non-parties may call the
5 Court's public conference line at **1-888-808-6929**;
6 Access code **3648461** (no security code required), five
7 minutes before the scheduled conference time.

8 Any person experiencing symptoms of COVID-19, or who has been in
9 contact with a person known or suspected of contracting COVID-19, shall contact
10 Court staff to allow the hearing to be reset. There is no obligation to disclose private
11 health or personal information, but the Court asks the parties to weigh the health
12 and safety of all participants when determining whether an in-person hearing should
13 occur.

14 **DATED** this 3rd day of September 2020.

15 
16 SALVADOR MENDOZA, JR.
17 United States District Judge